

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Ivan Mosi Pickens

v.

Civil No. 14-cv-028-SM

New Hampshire Department of
Corrections Commissioner et al.

O R D E R

For reasons stated in the Report and Recommendation issued on this date, the court directs service of Claims 1-3 upon the following newly-identified defendants, who are all Northern New Hampshire Correctional Facility ("NCF") employees: Cpl. Jason Goyette, Corrections Officer ("C.O.") K. Griffin, C.O. R. Jesseman, C.O. Kelley (whose first name is unknown ("FNU")), C.O. FNU McCann, C.O. FNU McFarland, C.O. FNU Wedge, and Sgt. D. Wilson. As provided in the Agreement on Acceptance of Service, the clerk's office shall serve the New Hampshire Attorney General ("AG"), with electronic copies of:

- this Order and the Report and Recommendation issued on this date;
- the original complaint (doc. no. 1);
- the April 25, 2014, Order (doc. no. 6);

- the September 9, 2014, Report and Recommendation (doc. no. 23); and
- Documents Nos. 33-1, 35-1, and 41.

Within thirty days from receipt of these materials, the AG must submit an Acceptance of Service notice to the court specifying whether defendants Goyette, Griffin, Jesseman, Kelley, McCann, McFarland, Wedge, and Wilson have authorized the AG to receive service on their behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period for all defendants who accept AG representation.

If any defendant does not authorize the AG to receive service on his behalf, or the AG declines to represent any defendant, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court the last known address of any defendant who will not be represented by the AG. In that event, the clerk's office is instructed to complete and issue a summons for each such defendant, using the last known address provided, and forward the summons[es], along with copies of this Order and the complaint (doc. no. 1), to the United States Marshal for the District of New Hampshire, to complete service on those defendants in accordance with this Order and Fed. R. Civ. P. 4(c)(3) and 4(e).

The newly-added defendants are instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A). Defendants King, Baker, and Oliver are granted leave to file an answer or other response to Document Nos. 33-1, 35-1, and 41, with respect to the claims identified in the January 2015 Report and Recommendation, on or before March 1, 2015.

The joinder of new defendants and claims may necessitate revisions to the scheduling order for this case. See July 31, 2014, Order (doc. no. 21). The parties shall file a motion proposing revisions to the discovery plan and scheduling order on or before March 15, 2015.

SO ORDERED.


Andrea K. Johnstone
United States Magistrate Judge

January 9, 2015

cc: Ivan Mosi Pickens, pro se
Lynmarie C. Cusack, Esq.
Nancy J. Smith, Esq.